

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 70-AO-2

REGIONAL CENTER - MARKET SQUARE DEVELOPMENT DISTRICT

ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN DEPARTMENT OF DEVELOPMENT

1970

CITY-COUNTY GENERAL ORDINANCE NO. \_\_\_\_\_, 1970

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 70-AO-2

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

REGIONAL CENTER - MARKET SQUARE DEVELOPMENT DISTRICT

ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and City-County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof;

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA;

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted,

NOW, THEREFORE, BE IT ORDAINED by the City-County Council of the consolidated City of Indianapolis and of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, Chapter I of Title II of the Municipal Code of the City of Indianapolis, Indiana, adopted as a part thereof, and the Central Business District Zoning Ordinance of Marion County, Indiana, Ordinance 64-AO-1, adopted as an amendment thereto, be amended by the addition of the following provisions:

## CHAPTER I

### SECTION 1.00 ESTABLISHMENT OF REGIONAL CENTER - MARKET SQUARE DEVELOPMENT ZONING DISTRICT--PERMITTED USES

- A. The following primary REGIONAL CENTER ZONING DISTRICT for Marion County, Indiana, is hereby established, and land within said County is hereby classified, divided and zoned into said district as designated on the REGIONAL CENTER - MARKET SQUARE DEVELOPMENT DISTRICT ZONING MAP, which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted uses:

#### REGIONAL CENTER - MARKET SQUARE DEVELOPMENT DISTRICT (RC-M) PERMITTED USES

ALL uses permitted within the RC-M DISTRICT shall be subject to the Metropolitan Development Commission's approval, as included within a required site and development plan filed with and approved by said Commission as hereinafter provided.

CITY MARKET PLACE, including the retail sale of all types of foods and typically related goods, handicraft items and other appropriate goods and services.

APARTMENTS, APARTMENT HOTELS, HOTELS, MOTOR HOTELS, - (as approved by the Metropolitan Development Commission as hereinafter provided).

BUSINESS OFFICES, OFFICE-APARTMENTS, or other commercial use combination - in a single structure or a planned complex of buildings - of apartments, hotels, business, professional and consumer service offices - (as approved by the Metropolitan Development Commission as hereinafter provided).

RETAIL SALES AND SERVICE USES - (as approved by the Metropolitan Development Commission as hereinafter provided).

Provided, however:

Automobile service stations, repair garages, auto sales and/or service centers, and auto laundries; drive-in restaurants or drive-in food dispensing services; and other similar or comparable service to automotive vehicles or customers in said vehicles shall be prohibited in the RC-M DISTRICT.

PUBLIC AND SEMIPUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE, including but not limited to museums, auditoriums, theaters, exhibition halls or exhibition spaces, civic centers, educational facilities, libraries, governmental complex, malls, greenways, and similar uses - (as approved by the Metropolitan Development Commission as hereinafter provided).

OFF-STREET PARKING STRUCTURES, above or below ground - (as approved by the Metropolitan Development Commission as hereinafter provided).

PARKING LOTS OR OTHER AT- OR NEAR-GRADE OPEN-TO-THE-AIR PARKING USES, COMMERCIAL OR PRIVATE - (as approved by the Metropolitan Development Commission as hereinafter provided), permitted only for a period not to exceed five (5) years.

ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS, (as approved by the Metropolitan Development Commission as hereinafter provided).

Provided, however, that no use, building or structure shall hereafter be established, constructed or used on any land in the RC-M DISTRICT for any purpose other than lawfully existed on the date of the adoption hereof until a site and development plan for said land, including the proposed RC-M use or uses shall have been filed with and approved by the Metropolitan Development Commission.

Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- (1) Proposed RC-M uses.
- (2) Any existing uses, buildings and structures.
- (3) Proposed buildings and structures.
- (4) Off-street parking layouts.
- (5) Vehicular entrances and exits and turn-off lanes.
- (6) Setbacks.
- (7) Landscaping, screens, walls, fences.
- (8) Signs; including location, size and design thereof.
- (9) Sewage disposal facilities.
- (10) Storm drainage facilities.
- (11) Other utilities if above ground facilities are needed.
- (12) Pedestrian ways and corridors below, at, or above surface.

The Metropolitan Development Commission may consider and act upon any such proposed site and development plan, and approve the same in whole or in part, at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner, petitioner filing such plan shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:

- (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana.
- (2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the RC-M DISTRICT and with adjacent uses;
- (3) provide sufficient and adequate access, parking and loading areas;
- (4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) provide adequately for sanitation, drainage and public utilities; and
- (6) allocate adequate sites for all uses proposed--the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.

- B. No building or structure shall be erected in any RC-M DISTRICT without an improvement location permit and said permit shall not be issued until

the site and development plan, including the proposed RC-M use or uses and plans for such building or structure, shall have been approved by the Metropolitan Development Commission in accordance with section 1.00 A. Applications for improvement location permit shall be made upon Metropolitan Development Department forms and shall include all information specified by such forms.

## CHAPTER II

### SECTION 2.00 RC-M DISTRICT REGULATIONS

The following regulations shall apply to all land within the RC-M DISTRICT.

A. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structure or facilities affected.

B. RC-M DISTRICT DEVELOPMENT STANDARDS

All development within the RC-M DISTRICT shall be in accordance with the site and development plan, as approved by the Metropolitan Development Commission in accordance with section 1.00.

1. BULK CONTROL
  - a. Bulk control of uses located on the west side of Delaware Street, New York Street, Market Street, Ohio Street, and Washington Street shall be in accordance with the regulations of section 2.01,B,2 of the Central Business District Zoning Ordinance of Marion County, Indiana, Ordinance 64-AO-1.
  - b. Bulk control of uses of land abutting all other streets within the RC-M DISTRICT shall be in accordance with the regulations of section 2.02,B,2 of the Central Business District Zoning Ordinance of Marion County, Indiana, Ordinance 64-AO-1.

C. RC-M DISTRICT PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION

No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.

2. SMOKE, DUST  
& PARTICULATE  
MATTER

Smoke, particulate matter, and any other airborne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, as amended, which ordinance is on file in the office of the Metropolitan Development Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

3. DUST

No use shall cause dust, dirt, or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.

4. NOXIOUS  
MATTER

No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

5. ODOR

No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

6. SOUND

No use shall produce sound in **such** a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.

7. HEAT AND  
GLARE

No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.

8. WASTE  
MATTER

No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

CHAPTER III

SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after this date.

Dated June 2, 1970

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA

Attest: Marjorie H. O'Laughlin  
Clerk

Thomas C. Hasbrook  
President (or Presiding Officer)

RC - MARKET SQUARE DEVELOPMENT ZONING DISTRICT....

